

In the outstanding Office Action, Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent 10-248634 (hereinafter "JP '634"); and Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over JP '634 in view of Per-Lee et al. (U.S. Patent 5,673,455).

The abstract of the disclosure has been replaced with a new abstract consistent with amended Claim 1.

Claims 1-4 have been amended to clarify the subject matter recited therein. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Newly added Claims 5-20 find clear support in the original specification, claims and drawings. For example, Claims 5-7, 12-14, 19 and 20 are supported by page 5, lines 7-19, of the specification, Claims 8-11 by page 3, lines 12-13, of the specification and original Claims 1-4, and Claims 15-17 by 5, lines 23 to page 6, line 13, of the specification. Hence, Claims 5-20 are not believed to raise a question of new matter.

Briefly recapitulating, Claim 1 of the present invention is directed to a detergent container with a massage brush including a body configured to contain a detergent therein and having an opening for the detergent in an upper portion thereof, and a cover detachably attached to the upper portion of the body and covering the opening, the cover having a flat side surface extending away from the body and a plurality of projections on the flat side surface. By providing such a cover, the detergent container is provided with a massaging brush having a brushing area sufficiently large for effecting more effective massage while allowing the detergent container to have a more unitary shape.¹

¹ Specification, page 1, lines 3-23.

JP '634 discloses a hair arranging container. Nevertheless, JP '634 does not teach a cover having a flat side surface extending away from the body and a plurality of projections on the flat side surface, as recited in amended Claim 1. Instead, JP '634 only discloses a lid part 5 expanded to the size equal to the top portion of the container 4 so as to provide a brushing surface parallel to the top portion of the container 4. As such, it would be difficult for the JP '634 container to have a sufficiently wide brushing area and a unitary shape to fit the container 4 and the lid part 5 at the same time. Therefore, the structure recited in Claim 1 is distinguishable from JP '634 and thus is not anticipated thereby.

Per-Lee et al. only disclose an applicator device with screw-on attachments, and do not teach a cover having a flat side surface extending away from the body and a plurality of projections on the flat side surface, as recited in amended Claim 1. Thus, the structure recited in Claim 1 is clearly distinguishable from Per-Lee et al.

Because neither JP '634 nor Per-Lee et al. disclose the cover as recited in Claim 1, even the combined teachings of these cited references would not render the structure recited in Claim 1 obvious.

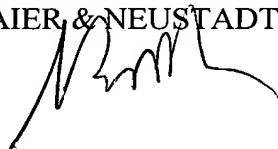
Likewise, independent Claims 8 and 15 include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claims 8 and 15 are also distinguishable from JP '634 and Per-Lee et al.

For the foregoing reasons, Claims 1, 8 and 15 are believed to be allowable. Furthermore, since Claims 2-7, 9-14 and 16-20 ultimately depend from one of Claims 1, 8 and 15, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 2-7, 9-14 and 16-20 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Robert T. Pous
Registration No. 29,099
Attorneys of Record



22850

Tel: (703) 413-3000

Fax: (703) 413-2220

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IN THE CLAIMS

Please amend Claims 1-4 and add new Claims 5-20 as follows:

--1. (Amended) A detergent container with a massage brush comprising:

a body configured to contain a detergent therein and having an opening [at the top] for the detergent in an upper portion thereof; and

a cover [which covers the] detachably attached to the upper [part] portion of the body [including] and covering said opening, [wherein] said cover [has] having a flat side surface extending away from the body and [has] a plurality of projections on said flat side surface.

2. (Amended) The detergent container with a massage brush according to Claim 1, wherein said opening is [at about the] positioned in a substantially center portion of the upper [side] portion of said body and has an inner cover [with which it is closed] removably covering the opening.

3. (Amended) The detergent container with a massage brush according to Claim 1, [which] further [comprises] comprising a side cover [with which] configured to cover said flat side surface having said plurality of projections [is covered].

4. (Amended) The detergent container with a massage brush according to Claim 1, wherein said body and said cover [are designed to form] forms a unitary body when fitted together.

5. - 20. (New) --

IN THE ABSTRACT

Please delete the current text for the abstract of the disclosure and substitute therefor a new text as follows:

[A detergent container with a massage brush comprises a body having an opening at the top and a cover which covers the upper part of the body including the opening. The cover has a flat side and has a plurality of projections on the flat side.]

92 -A detergent container with a massage brush including a body configured to contain a detergent therein and having an opening for the detergent in an upper portion thereof, and a cover detachably attached to the upper portion of the body and covering the opening, the cover having a flat side surface extending away from the body and a plurality of projections on the flat side surface.--